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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,049	06/08/2001	Nino R. Vaghi	T3379-907561	9037
34610	7590	10/05/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,049

Applicant(s)

VAGHI ET AL.

Examiner

Md S. Elahee.

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 107, 108 and 129-134 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 107, 108 and 129-134 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The examiner made a typographical error in listing the claims and classification. In group II, several claims are dependent upon independent claims in group I. The correct grouping is claims 1-11, 40-42, 70-89, 109-128 for group I classified in Class 455, subclass 74.1 and claims 107, 108, 129-134 for group II classified in Class 455, subclass 462.

Since applicant has elected group II then claims 107, 108, 129-134 will be examined.

Claim Rejections - 35 USC § 102

- (1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 107, 108 and 129-134 are rejected under 35 U.S.C. 102(b) as being anticipated by Norman et al. (U.S. Patent No. 5,485,505).

Regarding claim 107, Norman teaches inherently a keypad (fig.3; col.11, lines 14-16).

Norman further teaches a cellular telephone 10 [i.e., wireless communication unit] (fig.3).

Norman further teaches a memory unit for storing activation information input through the keypad (col.9, line 56-col.10, line 2).

Norman further teaches a controller [i.e., processor] (fig.1, item 50) for automatically setting the cellular telephone to receive a call from a wireless service provider at a changeable wireless phone user telephone number, the processor automatically setting the cellular telephone to a new wireless phone user telephone number in response to receive the activation information

Art Unit: 2645

through the keypad (fig.2,5; col.5, lines 1-16, 66, 67, col.6, lines 1-19, col.9, line 56-col.10, line 9, col.11, lines 8-21, col.12, lines 12-32).

Regarding claim 108 is rejected for the same reasons as discussed above with respect to claim 107. Furthermore, Norman teaches an inherent hard-wired telephone including a keypad and a transceiver (fig.2; col.11, lines 22-36, col.12, lines 1-11).

Norman further teaches a cellular telephone 10 [i.e., wireless communication unit] remotely located from the inherent hard-wired telephone (fig.2).

Regarding claim 129 is rejected for the same reasons as discussed above with respect to claim 107. Furthermore, Norman teaches a reader that reads authorization information from a PCMCIA [i.e., removable storage medium] (col.9, line 67-col.10, line 5, col.11, lines 8-14).

Regarding claim 130, Norman teaches that the authorization information includes at least the new wireless telephone number (col.9, line 67-col.10, line 5, col.11, lines 8-14).

Regarding claim 131, Norman that the authorization information includes a user identification code (col.9, line 67-col.10, line 5, col.11, lines 8-14, col.12, lines 12-32).

Regarding claim 132, Norman teaches that the authorization information includes an ESN [i.e., serial number] (col.11, lines 8-14, 56-67, col.12, lines 12-32).

Regarding claim 134, Norman teaches that the authorization information includes information which the wireless service provider or a local exchange carrier needs to activate operation of a wireless phone (fig.2; col.9, line 67-col.10, line 5, col.11, lines 8-14, col.12, lines 12-32).

Art Unit: 2645

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 133 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al. (U.S. Patent No. 5,485,505) in view of McDonnell et al. (U.S. Patent No. 6,771,972).

Regarding claim 133, Norman does not specifically teach "the authorization information includes location information". McDonnell teaches that the authorization information includes

Art Unit: 2645

location information (col.6, lines 11-22). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Norman to incorporate the authorization information including location information as taught by McDonnell. The motivation for the modification is to have doing so in order to provide authorization for a particular location.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGregor et al. (U.S. Patent No 5,577,100) teach Mobile phone with internal accounting and Hoffman (U.S. Patent No 6,622,017) teach Over-the-air programming of wireless terminal features.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2645

M. E .

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September 29, 2005



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